ಕರ್ನಾಟಕ ವಿಧಾನ ಪರಿಷತ್ತು

ಚುಕ್ಕೆ ಗುರುತಿಲ್ಲದ ಪ್ರಶ್ನೆ ಸಂಖ್ಯೆ	820 (903)
ಸದಸ್ಯರ ಹೆಸರು	ಶ್ರೀ ಸುನೀಲ್ ಸುಬ್ರಮಣಿ ಎಂ.ಪಿ
ಉತ್ತರಿಸುವ ದಿನಾಂಕ	10-03-2021
ಉತ್ತರಿಸುವವರು	ಹಿಂದೂ ಧಾರ್ಮಿಕ ಮತ್ತು ಧರ್ಮಾದಾಯ ದತ್ತಿ ಹಾಗೂ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಕಲ್ಯಾಣ ಸಚಿವರು

	ಪ್ರಶ್ನೆ	ಉತ್ತರ
ಅ)	ಶಿವಮೊಗ್ಗ, ಚಿಕ್ಕಮಗಳೂರು, ಕೊಡಗು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಗಳಲ್ಲಿರುವ ಮುಜರಾಯಿ ದೇವಾಲಯಗಳ ಸಂಖ್ಯೆ ಎಷ್ಟು; (ಎ, ಬಿ, ಸಿ ವರ್ಗೀಕರಣ ಮಾಡಿ ತಾಲ್ಲೂಕುವಾರು ವಿವರಗಳನ್ನು ನೀಡುವುದು)	ಶಿವಮೊಗ್ಗ, ಚಿಕ್ಕಮಗಳೂರು, ಕೊಡಗು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಗಳಲ್ಲಿರುವ ಅಧಿಸೂಚಿತ ದೇವಾಲಯಗಳ ಒಟ್ಟು ಸಂಖ್ಯೆ:2231. ದೇವಾಲಯಗಳ ಎ.ಬಿ.ಸಿ ವರ್ಗೀಕರಣದ ವಿವರ ಈ ಕೆಳಕಂಡಂತಿದೆ. (ಕೋಷ್ಟಕ ಕೆಳಗೆ) ಎ.ಬಿ.ಸಿ ವರ್ಗೀಕರಣ ಮಾಡಿ ತಾಲ್ಲೂಕುವಾರು ವಿವರವನ್ನು **ಅನುಬಂಧ-1** ಅಗಾಧ ಪ್ರಮಾಣದಲ್ಲಿದ್ದು, ಮಾನ್ಯ ಶಾಸಕರಿಗೆ ಪ್ರತ್ಯೇಕವಾಗಿ ಒದಗಿಸಲಾಗುವುದು.
ಆ)	ಈ ದೇವಾಲಯಗಳಲ್ಲಿರುವ ಅರ್ಚಕರ ಸಂಖ್ಯೆ ಎಷ್ಟು ಹಾಗೂ ಈ ಅರ್ಚಕರಿಗೆ ಸರ್ಕಾರದಿಂದ ನೀಡುವ ಸಂಭಾವನೆ ಸೌಲಭ್ಯಗಳೇನು; (ಆದೇಶದ ಪ್ರತಿಯನ್ನು ನೀಡುವುದು)	ಶಿವಮೊಗ್ಗ, ಚಿಕ್ಕಮಗಳೂರು, ಕೊಡಗು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಗಳಲ್ಲಿರುವ ಅಧಿಸೂಚಿತ ದೇವಾಲಯಗಳ ಅರ್ಚಕರ ಒಟ್ಟು ಸಂಖ್ಯೆ: 2305. 'ಎ' ಮತ್ತು 'ಬಿ' ವರ್ಗದ ಹಾಗೂ 'ಸಿ' ವರ್ಗದ (ಒಂದು ಲಕ್ಷಕ್ಕೂ ಮೇಲ್ಪಟ್ಟು ಆದಾಯವಿರುವ) ದೇವಾಲಯಗಳಿಗೆ ಆಯಾಯ ದೇವಾಲಯದ ವಾರ್ಷಿಕ ಆದಾಯಕ್ಕಗುಣವಾಗಿ ಆಯವ್ಯಯ ಪಟ್ಟಿ ತಯಾರಿಸಿ ಅದರಲ್ಲಿ ವೇತನವನ್ನು ಅಳವಡಿಸಿಕೊಂಡು ಸಂಬಂಧಪಟ್ಟ ಅರ್ಚಕರುಗಳಿಗೆ ದೇವಾಲಯದ ನಿಧಿಯಿಂದ ಭರಿಸಿ ವೇತನ ನೀಡಲಾಗುತ್ತಿದೆ. ಇನಾಂ ರದ್ದಿಯಾತಿ ಕಾಯ್ದೆಯನ್ವಯ ಅಧಿಸೂಚಿತ ಸಂಸ್ಥೆಗಳ ಇನಾಂ ಜಮೀನುಗಳು ಸರ್ಕಾರದಲ್ಲಿ ವಿಹಿತವಾಗಿರುವುದಕ್ಕೆ ಪರಿಹಾರವಾಗಿ ವಾರ್ಷಿಕವಾಗಿ ತಸ್ತೀಕ್ ಅನ್ನು ನೀಡಲಾಗುತ್ತಿದೆ. (ಕಾಯ್ದೆಯ ಪ್ರತಿಯನ್ನು **ಅನುಬಂಧ-2**ರಲ್ಲಿ ಒದಗಿಸಿದೆ).

ಕ್ರ ಸಂ	ಜಿಲ್ಲೆ	ಪ್ರವರ್ಗ 'ಎ'	ಪ್ರವರ್ಗ 'ಬಿ'	ಪ್ರವರ್ಗ 'ಸಿ'	ಒಟ್ಟು
1	ಶಿವಮೊಗ್ಗ	4	1	638	643
2	ಚಿಕ್ಕಮಗಳೂರು	3	8	869	880
3	ಕೊಡಗು	3	0	4	7
4	ಉತ್ತರ ಕನ್ನಡ	9	8	684	701
	ಒಟ್ಟು	**19**	**17**	**2195**	**2231**

.....2

ಇ)	ಈ ಜಿಲ್ಲೆಗಳಲ್ಲಿ ತಸ್ತೀಕ್ ಹಣ ಪಡೆಯುತ್ತಿರುವ ದೇವಾಲಯಗಳ ಹೆಸರು ಪಡೆಯುತ್ತಿರುವ ಮೊಬಲಗು (ವರ್ಷಕ್ಕೆ) ತಾಲ್ಲೂಕುವಾರು ವಿವರಗಳನ್ನು ನೀಡುವುದು:	ಶಿವಮೊಗ್ಗ, ಚಿಕ್ಕಮಗಳೂರು, ಕೊಡಗು, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆಗಳಲ್ಲಿನ ತಸ್ತೀಕ್ ಪಡೆಯುತ್ತಿರುವ ಮೊಬಲಗು/ತಾಲ್ಲೂಕುವಾರು ವಿವರಗಳನ್ನು **ಅನುಬಂಧ-1** ಅಗಾಧ ಪ್ರಮಾಣದಲ್ಲಿದ್ದು, ಮಾನ್ಯ ಶಾಸಕರಿಗೆ ಪ್ರತ್ಯೇಕವಾಗಿ ಒದಗಿಸಲಾಗುವುದು
ಈ)	ಪ್ರಸಕ್ತ ಕರ್ನಾಟಕದಲ್ಲಿ ಮುಜರಾಯಿ ಇಲಾಖೆ ಅನುಸರಿಸುತ್ತಿರುವ ಕಾಯ್ದೆ ಯಾವುದು: ಏಕರೂಪವಾಗಿ ರಾಜ್ಯಕ್ಕೆ ಒಂದೆ ಕಾಯ್ದೆ ಇದೆಯೇ ಅಥವಾ ಬೇರೆ ಬೇರೆ ಕಾಯ್ದೆ ಇದ್ದಲ್ಲಿ ವಿವರ ನೀಡುವುದು:	ಪ್ರಸಕ್ತ ಕರ್ನಾಟಕದಲ್ಲಿ ಧಾರ್ಮಿಕ ದತ್ತಿ ಇಲಾಖೆಯು ಕರ್ನಾಟಕ ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮಾದಾಯ ದತ್ತಿಗಳ ಅಧಿನಿಯಮ 1997 ಮತ್ತು ನಿಯಮಗಳು 2002ನ್ನು ಅನುಸರಿಸಲಾಗುತ್ತಿದೆ. ಏಕರೂಪವಾಗಿ ರಾಜ್ಯಕ್ಕೆ ಒಂದೇ ಕಾಯ್ದೆ ಇರುತ್ತದೆ.

ಸಂಖ್ಯೆ: ಕಂಇ 47 ಮುಸಪ್ರ 2021

(ಕೋಟಾ ಶ್ರೀನಿವಾಸ ಪೂಜಾರಿ)
ಹಿಂದೂ ಧಾರ್ಮಿಕ ಮತ್ತು ಧರ್ಮಾದಾಯ ದತ್ತಿ
ಹಾಗೂ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಕಲ್ಯಾಣ ಸಚಿವರು.

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THE MYSORE (RELIGIOUS AND CHARITABLE) INAMS ABOLITION ACT, 1955 [MYSORE ACT No. 18 OF 1955]

(First published in the Karnataka Gazette, on the First day of September, 1955)

(Received the assent of the President on the Nineteenth day of August, 1955)

(As amended by Act Nos. 16 of 1960, 33 of 1969, 27 of 1973, 26 of 1979, 23 of 1981, 24 of 1984, 18 of 1985, 19 of 1986, 4 of 1987; 18 of 1990; 29 of 1995; 11 of 2006 and 17 of 2007.)

An Act to provide for the abolition of Religious and Charitable inams in the [1][Karnataka Area] except Bellary District.

Whereas it is expedient in the public interest to provide for the abolition of religious and charitable inams in the [2][Karnataka Area] except Bellary District and for other matters connected therewith;

Be it enacted by the Karnataka State Legislature in the Sixth Year of the Republic of India as follows.—

CHAPTER I
Preliminary

1. Short title, extent, application and commencement.—(1) This Act may be called the Mysore (Religious and Charitable) Inams Abolition Act, 1955.

(2) It extends to the whole of the [3][Karnataka Area] except Bellary District.

(3) It applies to.—

(a) Religious inams including the Sringeri Jahgir; and

1. See the Karnataka Adaptations of Laws Order, 1956
2. See the Karnataka Adaptations of Laws Order, 1956
3. See the Karnataka Adaptations of Laws Order, 1956

(b) Charitable inams.

[1][**Explanation.**—'Religious inam', or 'charitable inam', means a grant of a village, portion of a village or land entered in the register of inams, quit-rent register, alienation register, or any revenue account maintained by or under the authority of Government as Devadaya inam or Dharmadaya inam, as the case may be;]

(4) This section and Sections 2, 34 and 36 shall come into force at once and the rest of this Act shall come into force [2][in minor inams other than such Devadaya inams in unalienated villages in such area and on such date, as the Government may by notification specify, and in any inam village, on such date as the Government may, by notification specify in respect of such inam village].

Notification IV
Bangalore, dated 4th April, 1970

S.O. 643.—In exercise of the powers conferred by sub-section (4) of Section 1 of the Karnataka (Religious and Charitable) Inams Abolition Act, 1955 (Karnataka Act 18 of 1955), as in force in the Karnataka Area, the Government of Karnataka hereby appoints the 1st day of July, 1970 as the date on which the rest of the Act other than Sections 2, 34 and 36 (which have already come into force) shall come into force in minor inams in unalienated villages in the State.

CASE LAW

Village treated as personal inam — Subsequent decision it was devadaya — Validity.

Jagannatha Shetty, J.—Where a village was treated as a personal and miscellaneous inam under the Personal and Miscellaneous Inams Abolition Act and petitioner was registered under Section 9 of the Act, and that decision had become final (on 28-1-1968), a right accrued to the petitioner and the same could not be taken away by a Government Notification under Section 1(4) of the Religious and Charitable Inams Abolition Act notifying that the village shall be and shall always be deemed to have been a devadaya inam. — *Anniacher v State of Mysore,* **(1974)1 Kar. L.J. Jr. 26, Sh. N. 93.**

Ss. 1(3), 4, 5 and 5(a) — Occupancy — Claim for — Land in respect of which claim is made must be religious or charitable land and entered as such in revenue records and must also be agricultural land — Claimant must be

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1. Explanation substituted by Act No. 16 of 1960 and shall be and shall be deemed to have always been substituted.
2. Substituted for the words "in respect of any inam village, or minor inam in an unalienated village on such date as the Government may by notification appoint" by Act No 33 of 1969

tenant cultivating land or archak, poojari, *etc.* — Where land in question is not proved to be religious or charitable land, nor to be agricultural land, claim for occupancy is not maintainable.

Held.—The building site in question is not an agricultural land and the petitioner is conducting commercial activities thereon. Explanation appended to the said sub-section provides an exhaustive definition to 'religious inams' or 'charitable inams' to mean a grant of a village, portion of a village or land entered in the register of inams, quit-rent register, alienation register, or any revenue account maintained by or under the authority of Government as Devadaya inam or Dharmadaya inam, as the case may be. In the present case, the Tribunal has come to a definite conclusion that the site in question has not been centered either in the quit-rent register or any of the other revenue records maintained by or under the authority of the Government as Devadaya inam or Dharmadaya inam. Therefore the site is not a religious or charitable inam within the meaning of Section 1(3) of the Act. In the said view of the matter the provisions of the Act cannot be said to have any application to the same. Occupancy right can be claimed by a person as a tenant only if the lands are agricultural in nature and the person claiming right is personally cultivating the same. In the present case, admittedly the lands are not agricultural in nature and the petitioners are admittedly carrying on commercial activities over the same. In the said view of the matter there was no occasion on their part to claim occupancy right in respect of the lands in question. — *Savithramma and Others v State of Karnataka and Others*, 1998(3) Kar. L.J. 154.

Ss. 1(4) and 3(1)(b) — Purport of provisions — Abolition of inams — Temple — Vesting of lands in State — Land Tribunal — Occupancy rights granted in favour of appellant — Devotees of temple have no place in scheme of Act — *Lis Inter se* Government and tenants — Mere label as public cause litigation not sufficient.

S. Mohan, C.J. and N.D.V. Bhat, J., Held.—The careful analysis of the provisions of the Act will put the matter beyond doubt that the *lis* is between the Government on the one hand and the various persons like Kadim tenant, Permanent tenant, other tenants like claimants under Section 7 or 9, on the other hand. Nowhere in the scheme of the Act, as rightly contended by learned Counsel for the Appellant, the devotees come in at all. They are utter strangers to the proceedings to use the words of Lord Denning 'Interlopers'. The only label affixed for approaching this Court is public cause of litigation — Mere label as public litigation cannot carry them far. — *Ramanna v State of Karnataka and Others*, 1991(2) Kar. L.J. 169 (DB) : ILR 1991 Kar. 1771 (DB).

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context.—

(1) All words and expressions defined in the Land Revenue Code shall have the same respective meanings as in that Code with the modifications, made by this Act;

[1][(1-A) "Appellate Authority" x x x x x]

1. Clause (1-A) omitted by Act No. 18 of 1990, w.e.f. 8-10-1990.

Karnataka Village Officers Act, 1906 where such officers were employed by the inamdar;

(c) the average annual cost of maintenance of irrigation works incurred by the inamdar during the period of five years immediately preceding the date of vesting;

(d) the average annual cost of management of the inam incurred by the inamdar during the period of five years immediately preceding the date of vesting.]

19. Payment of compensation.—(1) The Government shall pay to the inamdar every year so long as the institution exists as compensation for all the rights of the inamdar vesting in the State of Karnataka under this Act [1][the basic annual sum as a *Tasdik* allowance].

(2) The sum payable under sub-section (1) may be paid in such form and manner, and at such time or times and in one or more instalments as may be prescribed.

CASE LAW

Sections 19 and 21 — Tasdik allowance — Determination of — Tasdik allowance, once fixed at Rs. 11,12,047/- by Deputy Commissioner and accepted by Mutt, cannot subsequently be reduced to Rs. 2,68,740/- unilaterally without notice to Mutt — Such substantial reduction without disclosing basis thereof and reasons therefor, held, is arbitrary and unsustainable in law — Where earlier fixation is found to be reasonable, *mandamus* lies to be issued to State Government to accept same and pass necessary order for payment of same to Mutt.

Chandrashekaraiah, J., Held: The Deputy Commissioner after determination of the Tasdik allowance as per his notice dated 6-1-1992 has furnished the details on which he arrived at the figure of Rs. 11,12,047/-. The total extent of land belonging to the Mutt vested in the State Government was 4,222 acres 18 guntas. The determination of Tasdik allowance as per the clarification issued by the Deputy Commissioner is on the basis of the yield at 227 kgs per acre from the dry land, 1,200 kgs per acre from the wet land and the value of the Bagayat land at Rs. 1,000/- per acre. This cannot be said to be unreasonable or arbitrary. Therefore, there is no reason to reduce the Tasdik allowance from the amount determined by the Deputy Commissioner by this notice dated 6-1-1992. . . . The determination of the Tasdik allowance by the Deputy Commissioner is not based on any material or evidence. Taking into consideration the history of this case and the number of writ petitions and the contempt petitions filed by the petitioner, even if the matter is remitted to the Deputy Commissioner the

1. Substituted for the words "an amount equal to the amount that would have been payable to a religious or charitable institution under clause (iii) of the second proviso to Section 51 of the Karnataka Land Reforms Act, 1961 (Karnataka Act 10 of 1962) as if the inamdar were a land holder and his rights in the inam lands had become extinguished and vested in the State Government under Section 44 of the said Act" by Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.

petitioner-Mutt would not get any justice. Therefore, it is a fit case to direct the State Government to accept the proposed determination of the Tasdik allowance at Rs. 11,12,047/- by the Deputy Commissioner by his notice dated 6-1-1992 and pass appropriate order and pay the same to the petitioner's Mutt. — *Yadathore Sri Jagadguru Yoganandeshwara Saraswathi Mutt v State of Karnataka and Others,* 2000(5) Kar. L.J. 599.

Sections 19(1) and 21-A — Basic annual sum — Revision petition against order determining rate of — Dismissal of revision petition without giving opportunity to petitioner of being heard is violative of express statutory provisions and revisional order is therefore, liable to be set aside.

R. Gururajan, J., Held: No order under Section 21-A is to be passed except after giving the person/persons affected, a reasonable opportunity of being heard in the matter. Admittedly, the petitioner is an aggrieved person and he has not been heard. In these circumstances and in the light of the clear provision under Section 21-A of the Act, it is proper to set aside the impugned order with a direction to the Divisional Commissioner to issue a notice to the petitioner and hear the matter and pass orders in accordance with law. — *Anjaneyappa v The Divisional Commissioner, Bangalore Division, Bangalore and Another,* 2002(1) Kar. L.J. 173.

[1][**20. Interim payment.**—After the date of vesting and before the amount payable to the inamdar concerned have been finally determined under sub-section (1) of Section 19 the Government shall pay to the inamdar such sum as may be determined in the manner prescribed.]

[2][**21. Deputy Commissioner to determine basic annual sum.**—(1) The Deputy Commissioner shall determine in accordance with the foregoing provisions the basic annual sum in respect of the inam.

(2) Any inamdar or other person interested may, within such time as may be prescribed or such further time as the Deputy Commissioner may in his discretion allow, apply in writing to the Deputy Commissioner for a copy of the data on the basis of which he proposes to determine the basic annual sum.

(3) On the receipt of such application, the Deputy Commissioner shall furnish the data aforesaid to the applicant; and he shall also, before passing any order under sub-section (1), give the applicant reasonable opportunity of making his representation in regard thereto in writing or orally.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar concerned, and also to every applicant under sub-section (2)].

1. Section 20 substituted by Act No. 26 of 1979, w.e.f. 1-5-1979
2. Section 21 omitted by Act No. 26 of 1979 and again inserted by Act No. 18 of 1985 and shall be deemed to have come into force w.e.f. 1-5-1984.